

## AGENDA

**FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 13<sup>TH</sup> OF JUNE 2016 AT 6:30 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.**

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

*A COPY OF THE AGENDA CAN BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.*

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGEANCE**

**4. APPROVAL OF AGENDA**

**5. APPROVAL OF MINUTES:**

Minutes of May 31, 2016

**6. PUBLIC HEARING WITH POSSIBLE ACTION**

**A. REQUEST TO ABATE A PORTION OF AN ALLEY** adjacent to City Hall from Sixth Street to the East side of the Public Health Department

**B. REQUEST TO CONTINUE A CONDITIONAL USE PERMIT: CATHY MCCARTNEY** for the purpose of a private club that endorses wellness, fitness and nutrition at 1018 W Ross Ave., Belen NM 87002. **LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Radcliff Addition, Lot 7, AKA 1018 W Ross Ave., Belen NM 87002.

**C. REQUEST TO CONTINUE A CONDITIONAL USE: HUB CITY BREWING CO. AT THE RAIL CAFÉ /TOM GREER-AGENT** for the purpose of brewing and distributing Beer in a C-R Zone: **LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Tract 46 containing .83 acres, Map 99 MRGCD, AKA: 202 De Soto Ave., Belen, NM.

**7. OPEN COMMENTS/REQUESTS**

**8. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/S/

Lisa R Miller

Planning & Zoning Administrator

cc: Mayor & City Council  
Belen Public Library  
Belen Recreation Center

Belen Chamber of Commerce  
News Bulletin  
Belen City Hall

**JERAH R CORDOVA**  
MAYOR  
**JAY RUYBALID**  
CITY MANAGER



**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2746  
[www.belen-nm.gov](http://www.belen-nm.gov)

**WAYNE GALLEGOS**  
MAYOR PRO-TEM  
**DAVID CARTER**  
CITY COUNCIL  
**DARLEEN ARAGON**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

**CITY OF BELEN**  
**PLANNING & ZONING COMMISSION MEETING**  
**MINUTES**  
**MAY 31, 2016**

Chairman Tom Greer called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

**PRESENT:** Chairman Tom Greer  
Vice Chair Steve Ethridge  
Commissioner Claudine Montano

**ABSENT:** Commissioner Debbie Thompson  
Commissioner Gordon Reeves

**CITY STAFF:** Lisa R Miller, P & Z Administrator  
Steven Tomita, Planning & Economic Development Director

**OTHER:** Herman Tabet, Citizen  
Ignacio Gallegos, Citizen  
Nancy Stahlaker, Citizen  
Cynthia Clark, Citizen

**PLEDGE OF ALLEGEANCE**

Commissioner Claudine Montano led the Pledge.

**APPROVAL OF AGENDA:**

Commissioner Claudine Montano moved to approve the Agenda.

Vice Chair Steve Ethridge seconded the Motion.

Motion Carried.



**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of May 9, 2016 were reviewed.

Vice Chair Steve Ethridge moved to approve the minutes as corrected.

Commissioner Claudine Montano seconded the motion.

Motion carried.

**PUBLIC HEARING WITH POSSIBLE ACTION**

**A. REQUEST TO AMEND THE ZONE MAP FROM R-1 TO C-1: HERMAN TABET. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Block 17, Lots 25-32, BTS Addition, Located on the corner of 6<sup>th</sup> & Reinken Ave. Belen, NM 87002

Lisa Miller informed the Commission that Herman Tabet had come into the office to make sure that the zoning on that property was C-1. She did some research and determined that it was never changed to C-1. That whole block was originally R-1 and some of the others along the Reinken corridor changed theirs to C-1. After the research was done he was informed that it wasn't and that he would need to have the zone changed to do so. He is in the process of selling the property.

Chairman Tom Greer asked if all of the other surrounding properties along Reinken in that area are zoned C-1.

Lisa Miller said yes and that was the only one that still had the R-1 zone. All the properties along Reinken Ave. are zoned C-1.

Herman Tabet informed the Commission that the lot being zoned R-1 was a surprise to him. He said that the Railroad Credit Union is the one who is purchasing the property to expand their business. He has gone through the process of having a survey done, and environmental study done and are ready to go forward with the final sale.

Nancy Stahlaker asked if the whole block was zoned C-1.

Lisa Miller said that the properties facing Reinken Ave. are commercial, except for Herman's and the rest of the block going north is R-1 (Residential).

Nancy Stahlaker said that she is happy to see something being done on that corner and happy to see some growth and asked if she wanted to come in and change the property where she is at into C-1 would she have to do the same thing that Herman Tabet did.

Lisa Miller said that she would. It doesn't automatically make that whole block C-1. Just the Lots on the corner are asking for a zone change.

Ignacio Gallegos informed the Commission that he is the legal representative of the property right next to Herman Tabets and has a contract with the Credit Union to purchased that piece also. He

is in favor of the zone change and thinks it is a opportunity for Belen to have some new development happening. He feels it will be a wonderful benefit for Belen.

Steven Tomita said that with the traffic along Reinken and the activities going on along there, a zone change is warranted.

Vice Chair Steve Ethridge informed the Commission that the application has certain requirements that have to be met. There are two that need to be met. He requested that these be provided so that all the correct paperwork is there. He then moved to send a recommendation of approval for the zone change with the two conditions being met.

Commissioner Claudine Montano seconded the motion.

Vote is as follows:	Commissioner Claudine Montano	Yes
	Vice Chair Steve Ethridge	Yes
	Chairman Tom Greer	Yes

Motion Carried.

#### **DISCUSSION/REVIEW**

##### **Zoning Ordinance Review-changes**

Lisa Miller informed the Commission that part of this was reviewed and changes were made to that section. She went over the changes with the Commission.

The Commission agreed to send this document to the City Council for review and approval.

#### **OPEN COMMENTS/REQUESTS**

Vice Chair Steve Ethridge told the Commission how impressed he was with T or C by placing flags all along the entrance to T or C and the Main St for Memorial Day.

Chairman Tom Greer informed the Commission that he was resigning from the Planning & Zoning Commission due to several other projects that he has going and feels that he need to spend more time on these other projects.

#### **ADJOURNMENT**

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Claudine Montano moved to adjourn.

Vice Chair Steve Ethridge seconded the motion

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:23 pm.

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Chairman Tom Greer

**ATTEST:** \_\_\_\_\_  
Steven Tomita, Planning & Economic Development Director

CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221

**PUBLIC HEARING**

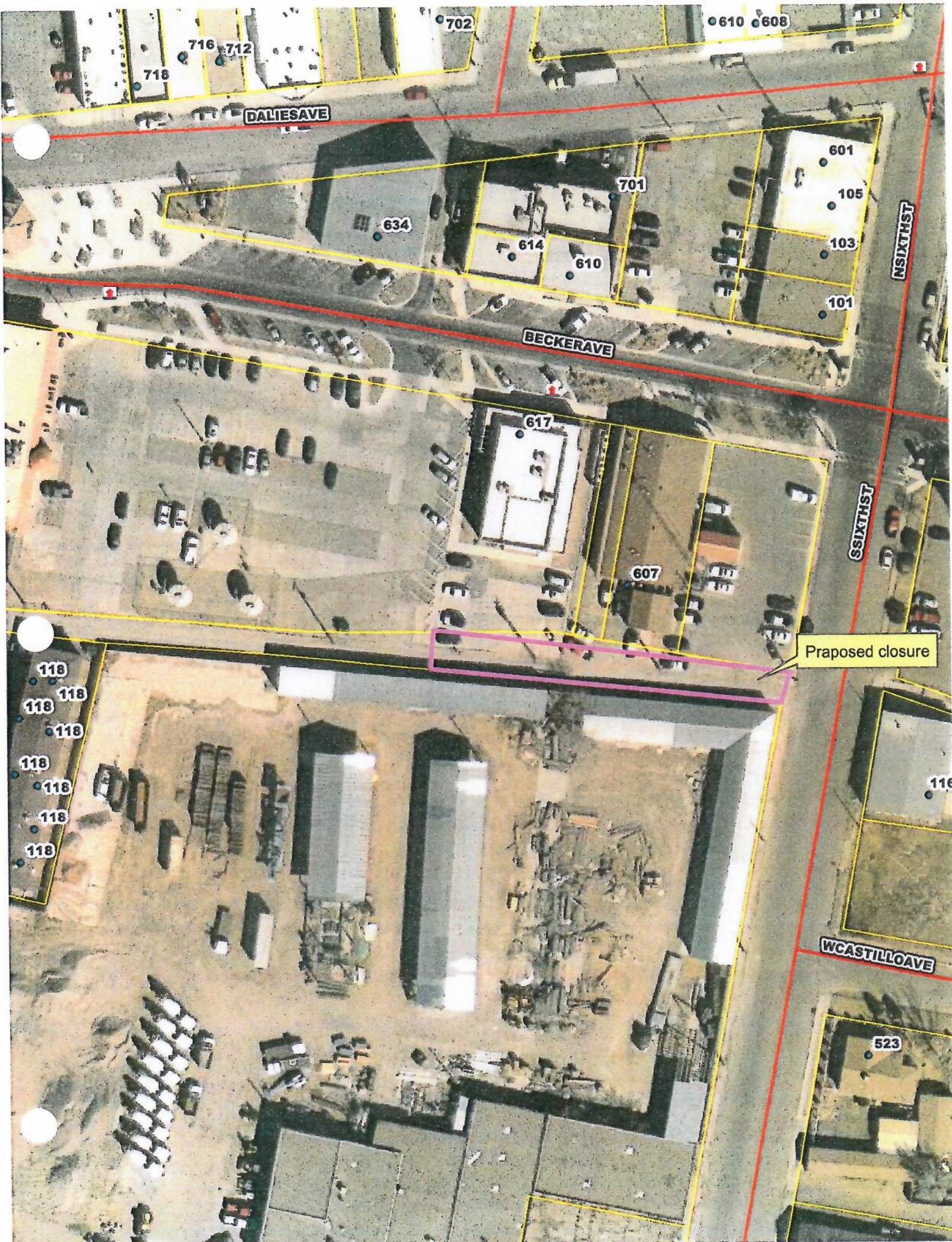
**NOTICE IS HEREBY** given that the City of Belen Planning & Zoning Commission will conduct a public hearing for the closing off of the alley adjacent to City Hall from Sixth Street to Main Street.

The purpose is to close off the alley from Sixth Street to the West property line of the Health Department.

The Public Hearing will be held on **Monday June 13, 2016** at 6:30 PM in the Council Chambers at 100 S Main St., Belen, NM 87002. The public is encouraged to attend.

**Publish:**      **Legal Add: May 26, 2016**





DALIES AVE

BECKER AVE

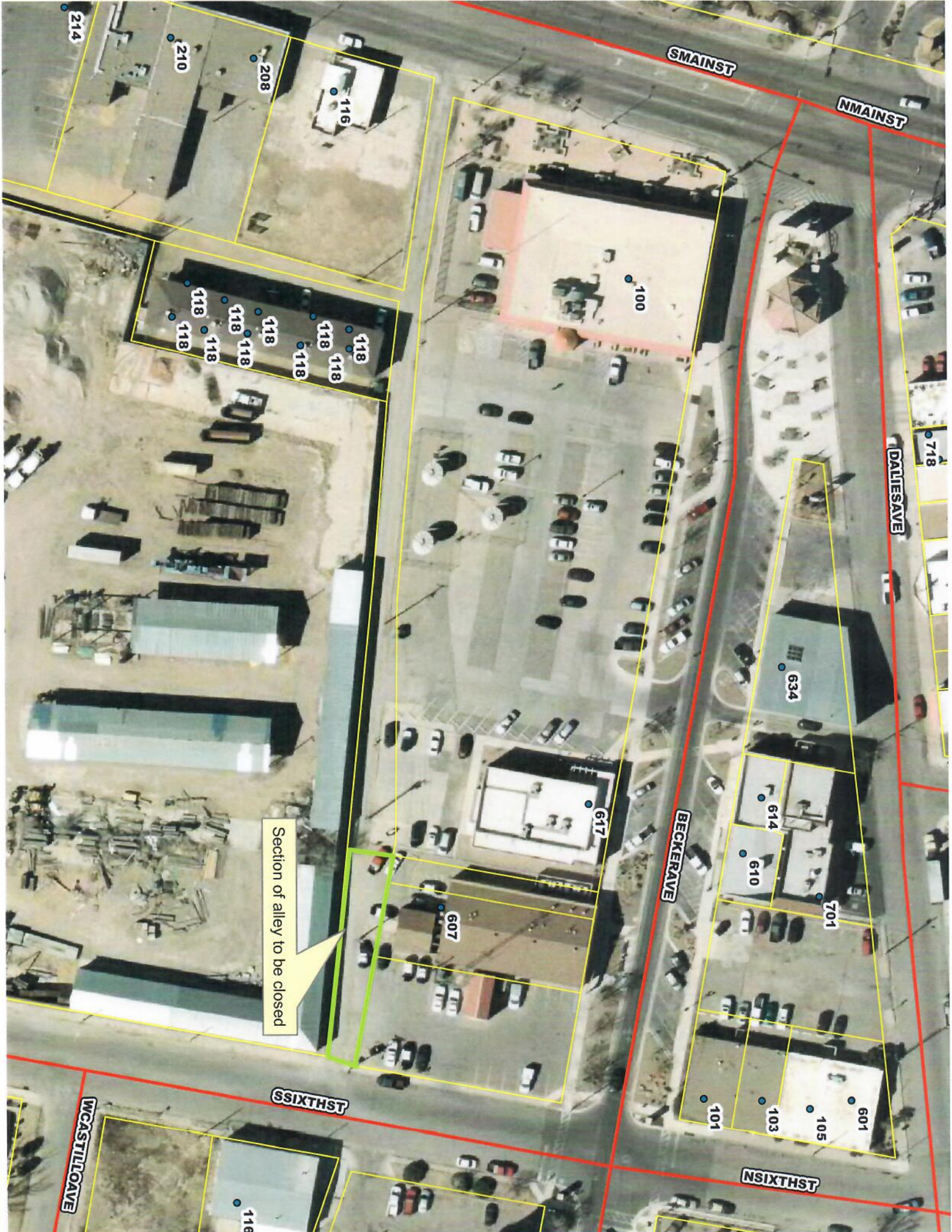
SIXTH ST

SIXTH ST

Proposed closure

W CASTILLO AVE





SMAINST

NMAINST

DALES AVE

BECKERAVE

SSIXTHST

NSIXTHST

WCASTILLLOAVE

Section of alley to be closed

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Belen City Council  
100 S. Main St.  
Belen, NM 87002

February, 29, 2016

Dear Council Members,

Our Office supports the Belen Police Department in blocking the alley behind our buildings. There is a lot of thru traffic and it poses a problem of security and safety.

This alley is not paved and sometimes there are a few people who are in a hurry and speed through. This creates a lot of dust and dirt flying around. Not to mention a safety hazard.

If blocking the alley way is not possible, maybe a proposal of a one way street might be more acceptable.

Thank you in advance for listening to our proposal.

Sincerely,

Belen Public Health Staff.

*Melinda S. Dwyer*  
*Meghan Payne*  
*Diane Gonzale*  
*Ruth*  
*April Vazquez*

**PUBLIC HEALTH DIVISION**

1190 St. Francis Dr., Suite 1050 • P.O. Box 26110 • Santa Fe, New Mexico • 87502  
(505) 827-2389 • FAX: (505) 827-2329 • [www.nmhealth.org](http://www.nmhealth.org)





**CITY OF BELEN**  
**RESOLUTION 2016-\_\_\_\_\_**

**WHEREAS**, the Planning & Zoning Commission received a request from the Belen Police Chief to close off the alley from Sixth St. to the west property line of the City Police Department, due to extensive thru traffic, which poses a problem of security and safety; and

**WHEREAS**, a public hearing was held on Monday, March 14, 2016 in the Council Chambers during the Regular Planning & Zoning Meeting.

**WHEREAS**, a letter from The New Mexico Department of Health, located west of the Police Department, was submitted in support of closing the alley behind its building; and

**WHEREAS**, The Planning and Zoning Commission moved to approve the closing of the alley by the Police Department for security and the motion passed unanimously; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the City of Belen does hereby authorize the closing of the portion of alley behind the City of Belen Police Department identified as Tracts F, Tract D, and Tract D2, for the security and safety of the City of Belen Police Department.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the said alley may be re-opened for emergencies and special events.

**PASSED, APPROVED, AND ADOPTED** this 18<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Darleen Aragon, Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
Leona Vigil, CMC  
Acting City Manager



City of Belen  
100 South Main Street  
Belen, NM 87002  
(505) 864-8221

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to hear a **REQUEST TO CONTINUE THE CONDITIONAL USE: HUB CITY BREWING CO. AT THE RAIL CAFÉ /TOM GREER-AGENT** for the purpose of brewing and distributing Beer in a C-R Zone:

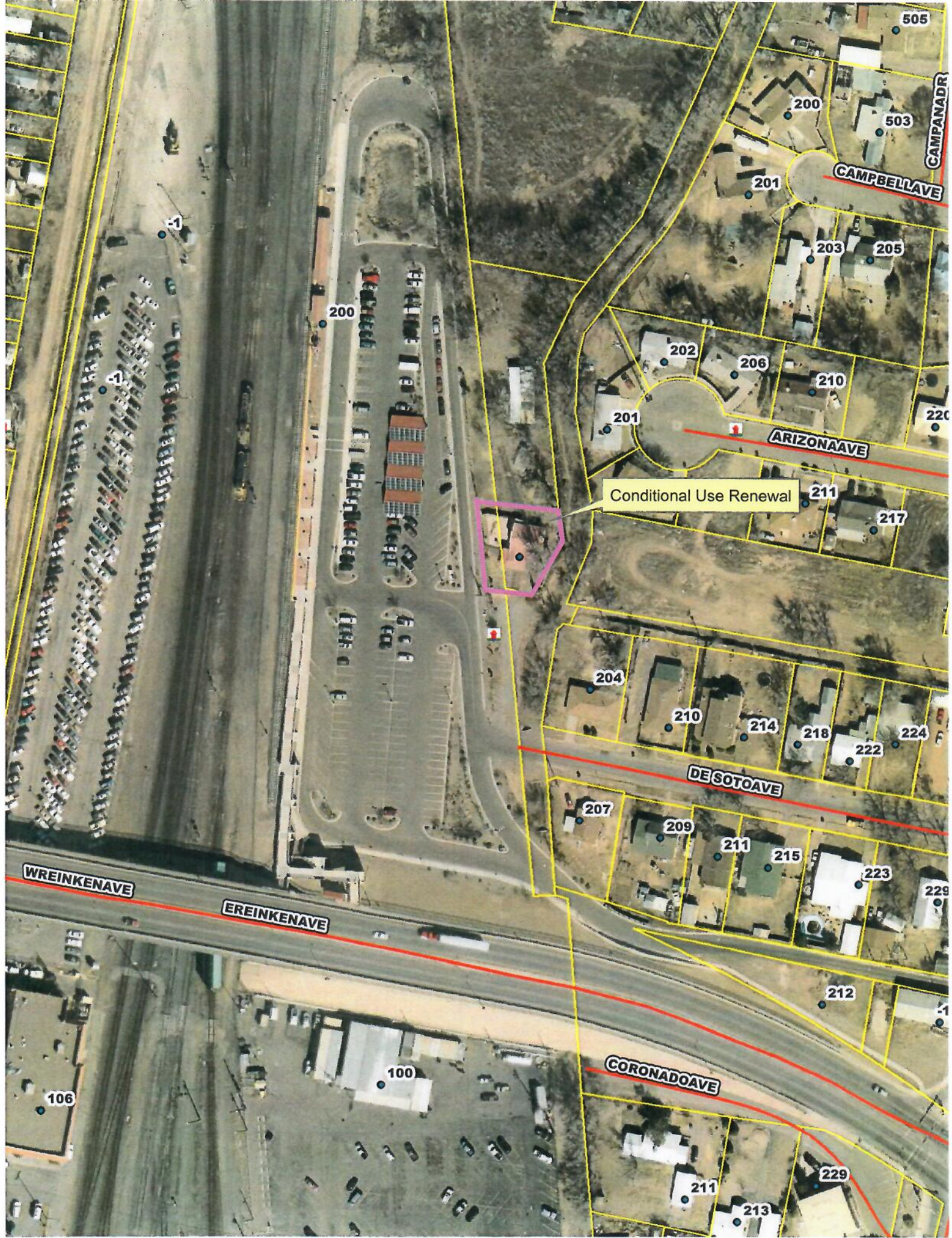
**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Tract 46 containing .83 acres, Map 99 MRGCD, AKA: 202 De Soto Ave., Belen, NM.

You are further notified that this public hearing will be held on **Monday, June 13, 2016 at 6:30 P.M.**, in the Council Chambers at City Hall, 100 South Main Street, Belen, New Mexico 87002. Any person having objections or wishing to be heard should make such protest to the Commission at the above stated date and time or write comments to the Planning and Zoning Commission, 100 South Main Street, Belen, New Mexico 87002.

Property owners within 100 feet excluding public right-of-way of said tract desiring to comment may write to the City of Belen Planning & Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: May 26, 2015**







CITY OF BELEN, NEW MEXICO  
APPLICATION FOR CONDITIONAL USE

REGULAR X

SIX MONTHS \_\_\_\_\_

NOTE: The following conditional uses are limited to six months duration, at the end of which time such use must be reviewed and a new permit granted in order for it to be continued:

- Amusement Parks, Carnival, Circus. Conditional use in any A-R, C-1 or M-C zone.
- Dwelling, Temporary Watchman or Caretaker. Conditional use in all zones.
- Offices, Temporary (Real Estate Sales, Etc. Conditional use in all zones.
- Flea Markets. Conditional use in C-1 and M-C zones only, subject to district regulations and any supplementary regulations or special condition imposed by the Planning & Zoning Commission.

Applicants Name: Hub City Brewing Co Phone: 505-915-5504  
Address: 3008 St Hwy 47 J Los Lunas NM  
Authorized Agents Name: Tom Greer Phone: 505-915-5504  
Address: 303-388-1851 as above

Address of Property: 202 Dosoto Ave  
Block and Lot: \_\_\_\_\_ Addition: \_\_\_\_\_  
Tract Number: \_\_\_\_\_ Map: \_\_\_\_\_  
Total acreage in Tract: \_\_\_\_\_  
Number of Dwellings: \_\_\_\_\_ Density/Acre: \_\_\_\_\_  
Zoning of Property: C/R Present Use: restaurant / Brewery

APPLICATION REQUIREMENTS

The following material must be provided by applicant.

- Filing fee payment of \$150.00
- Letter of transmittal, state nature of request, include name of applicant and address where conditional use is requested.
- Affidavit of ownership
- Scaled drawing of property indicating location of structures, on-site parking and points of access to public streets

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

NOTE: Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Conditional Use. I have examined and am familiar with the zoning regulations of the present zone and the requested Conditional Use. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

[Signature]  
Signature of Applicant

3/13/15  
Date

**THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION**

Planning and Zoning Commission Meeting Date: 3-30-15 Approved/Disapproved: \_\_\_\_\_  
FEE PAID: 3-20-15 RECEIPT NO.: 1-134542 DATE: 3-20-15  
\$150.00

OWNERS AFFIDAVIT

STATE OF NEW MEXICO )  
COUNTY OF VALENCIA ) SS  
CITY OF BELEN )

We, Tom Greer DBA Hub City Brewing Co LLC  
I (Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at  
202 Desert Ave, for which (I am) (we are)  
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal)  
through the City of Belen. Furthermore, (I) (we) hereby appoint  
Tom Greer of Hub City Brewing as our agent to act in our  
behalf on all matters pertaining to the processing of this application.

Signed [Signature]

Address 3058 St Hwy 47  
Los Lunas NM

Phone 303-358 1851



Subscribed and sworn to before me this 13 day of March, 20 13.

Lisa R Miller  
Notary

My Commission Expires:

9-13-17





Dec 2, 2013

Steven Tomita  
Director of Planning and Zoning  
City of Belen  
100 Main Street  
Belen, NM 87002

Dear Mr. Tomita,

This letter is to request an amendment to our currently valid Conditional Use Permit allowing for the sale of beer and wine at the Rail Café, 202 Desoto Ave. in Belen. Originally granted August 1, 2007 and since confirmed that it is currently still in effect in the letter from you dated June 26, 2013.

The amendment to the Conditional Use Permit is for the additional purpose of brewing and distributing beer on the premises as we plan to re-open the Rail Café as the Hub City Brewing Co, a NM licensed microbrewery.

It is my understanding that we need to be heard before the Planning and Zoning Commission for this purpose and request being added to the agenda of the next regularly scheduled meeting.

Copies of the above mentioned letters, the first page of the Real Estate Contract confirming our ownership of the property and several drawings and photographs of the property are included.

Thanks you for your assistance in this matter,

Tom Greer, Designated Agent and Partner, Hub City Brewing Co, LLC

Hub City Brewing Co. at the Rail Café  
202 Desoto Ave.  
Belen , New Mexico 87002

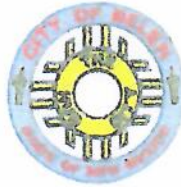


## Beer Production Plan

"We plan to brew 1 to 4 times a month on a small batch 20 gallon system. Beer production cycles will range from 14 to 21 days for ales and up to 48 days for lagers. After fermentation the beer will be transferred to kegs where it will be force carbonated and then served in our tap room for on and off premise purposes."

Hub City Brewing at the Rail Café  
202 Desoto Ave.  
Belen , New Mexico 87002





RONNIE M. TORRES  
MAYOR  
JEFF TREMBLY  
MAYOR PRO TEM  
SALLY G. GARLEY  
CITY MANAGER

**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 864-8221 • (505) 864-7476  
FAX (505) 864-8408

A. TERESE ULMARRI  
CITY COUNCILOR  
DAVID A. LOPEZ  
CITY COUNCILOR  
RUDY JARAMILLO  
CITY COUNCILOR

August 1, 2007

Tom Greer  
C/O Rail Café  
202 DeSoto Ave  
Belen, NM 87002

RE: Conditional Use Permit

**Legal Description:** Township 5 North, Range 2 East, Section 18, Tract 46 containing .83 acres,  
Map 100 MRGCD, AKA: Rail Café, 202 De Soto Ave., Belen, NM

Dear Mr. Greer:

At the City of Belen Planning & Zoning Commission meeting of July 30, 2007 the Commission approved the Conditional Use Permit for the purpose of selling Beer and Wine in a C-R Zone.

If we can be of any other service please do not hesitate to contact us at 866-2881 Ext. 15.

Sincerely,

Lisa R. Miller, Code Enforcement Specialist  
City of Belen Planning & Zoning Department

cc: File

RUDY JARAMILLO  
MAYOR  
MARY LUCY BACA  
CITY MANAGER



**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2733 • FAX (505) 864-8403  
www.belen-nm.gov

MARY T. ALEGON  
MAYOR PRO TEM  
JERAH R. CORDOVA  
CITY COUNCILOR  
David Carter  
CITY COUNCILOR  
WAYNE GALLECOS  
CITY COUNCILOR

June 26, 2013

Mr. Tom Greer  
C/O Rail Cafe  
202 De Soto Ave.  
Belen, NM 87002

Re: Conditional Use Permit  
**Legal Description:** Township 5 North, Range 2 East, Section 18, Tract 46 containing 0.83 acres. Map 100 MRGCD, AKA: Rail Café, 202 De Soto Ave., Belen, NM

Dear Mr. Greer:

On August 1, 2007, a letter was issued to you from the City of Belen Code Enforcement that on July 30, 2007, the City Planning & Zoning Commission approved a Conditional Use Permit for the purpose of selling Beer and Wine in a C-R Zone.

This letter is to confirm that, based upon our records showing you remain the owner of the above referenced property and the business located on this property continues to operate and be licensed as the Rail Café, the Conditional Use Permit for the purpose of selling Beer and Wine in a C-R Zone remains fully in effect for this property.

If you have any questions or we can be of any other service, please do not hesitate to contact us at (505) 966-2745.

Respectfully,

Steven P. Tomita  
Planning and Economic Development Director



**REALTORS® ASSOCIATION OF NEW MEXICO  
REAL ESTATE CONTRACT - 2013**

**WARNING: THIS IS NOT A PURCHASE AGREEMENT.** Unlike a purchase agreement, a Real Estate Contract (this "Contract") has the effect of immediately transferring equitable title to real estate. You should consult your attorney with regards to the effectiveness, validity, or consequences of any use of this form.

This form does not contain disclosures required by Federal Reserve Regulation Z and Consumer Protection Act "Truth in Lending." Use this form only in conjunction with another instrument incorporating the required disclosures or for transactions exempt from the Act.

THIS CONTRACT IS MADE ON May 3, 2013 (the "Effective Date"), by  
Sun Ranch Development LLC., Max Kiehne, Managing Member ("Seller")  
 whose address is 2206 Sun Ranch Village Loop, Los Lunas, NM 87031  
 and Hub City Brewing Co. LLC., Tom Greer ("Buyer")  
 whose address is 3058 Highway 47, Los Lunas, NM 87031  
 who is purchasing as: ☐ TENANTS IN COMMON ☐ JOINT TENANTS ☒ OTHER  
 Seller and Buyer agree:

**1. SALE:** Seller sells to Buyer the following described real estate (the "Property"):

202 & 202 1/2 Desoto Ave. **Belen** **87002**  
Address City Zip Code

**S 18, T5N, R2E TR 46 Map 100**  
Legal Description

or see metes and bounds description attached as Exhibit \_\_\_\_\_, **Valencia** County, New Mexico.  
Subject to reservations, restrictions, covenants, easements of record, taxes and assessments and the "Prior Obligations"  
(the "Permitted Exceptions").

## 2. PRICE AND PAYMENT.

**A. BUYER WILL PAY:**

<b>CONTRACT SALE PRICE</b> (Total of Down Payment, Assumed Prior Obligations and Balance Due Seller)		\$ <u><b>218,000.00</b></u>
(	<u><b>Two Hundred Eighteen Thousand</b></u>	Dollars)
<b>(1) DOWN PAYMENT</b>		\$ _____ Dollars)
(		_____ Dollars)
<b>(2) ASSUMED PRIOR OBLIGATIONS</b>		\$ <u><b>218,000.00</b></u>
(	<u><b>Two Hundred Eighteen Thousand</b></u>	Dollars)
<b>(3) BALANCE DUE SELLER</b> (including wrapped Prior Obligations)		\$ _____ Dollars)
(		_____ Dollars)

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RANM Form 2401 (2013 JAN) Page 1 of 8

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Initials: Buyer                      Seller MLK

Centerfire Real Estate 2206 Sun Ranch Village Loop Los Lunas, NM 87031

Phone: 505.865.7800 21

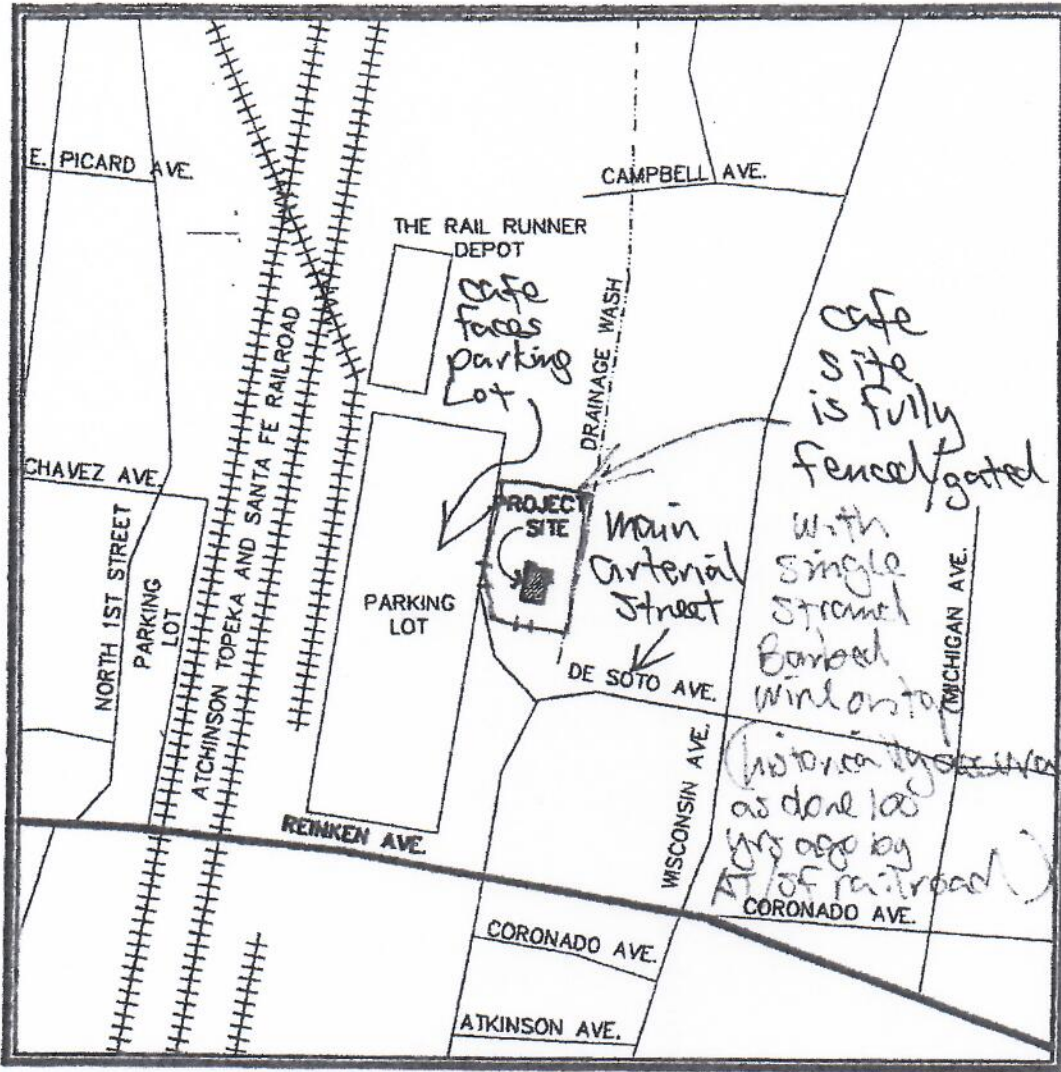
Fax: 505.865.7822

Cherie Kiehne

## Rail Cafe

Produced with ZipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 [www.zipLogix.com](http://www.zipLogix.com)





# LOCATION MAP - BELEN, NM

N.T.S.

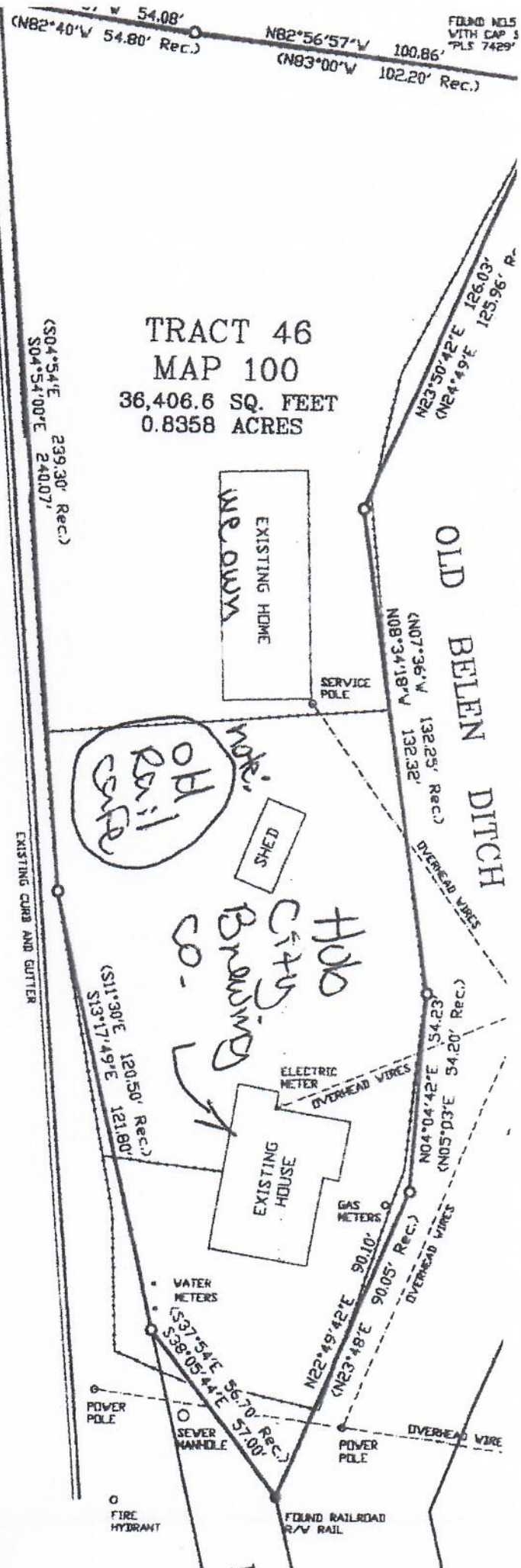
"Rail Cafe"



NORTH - SCALE: 1" = 40'

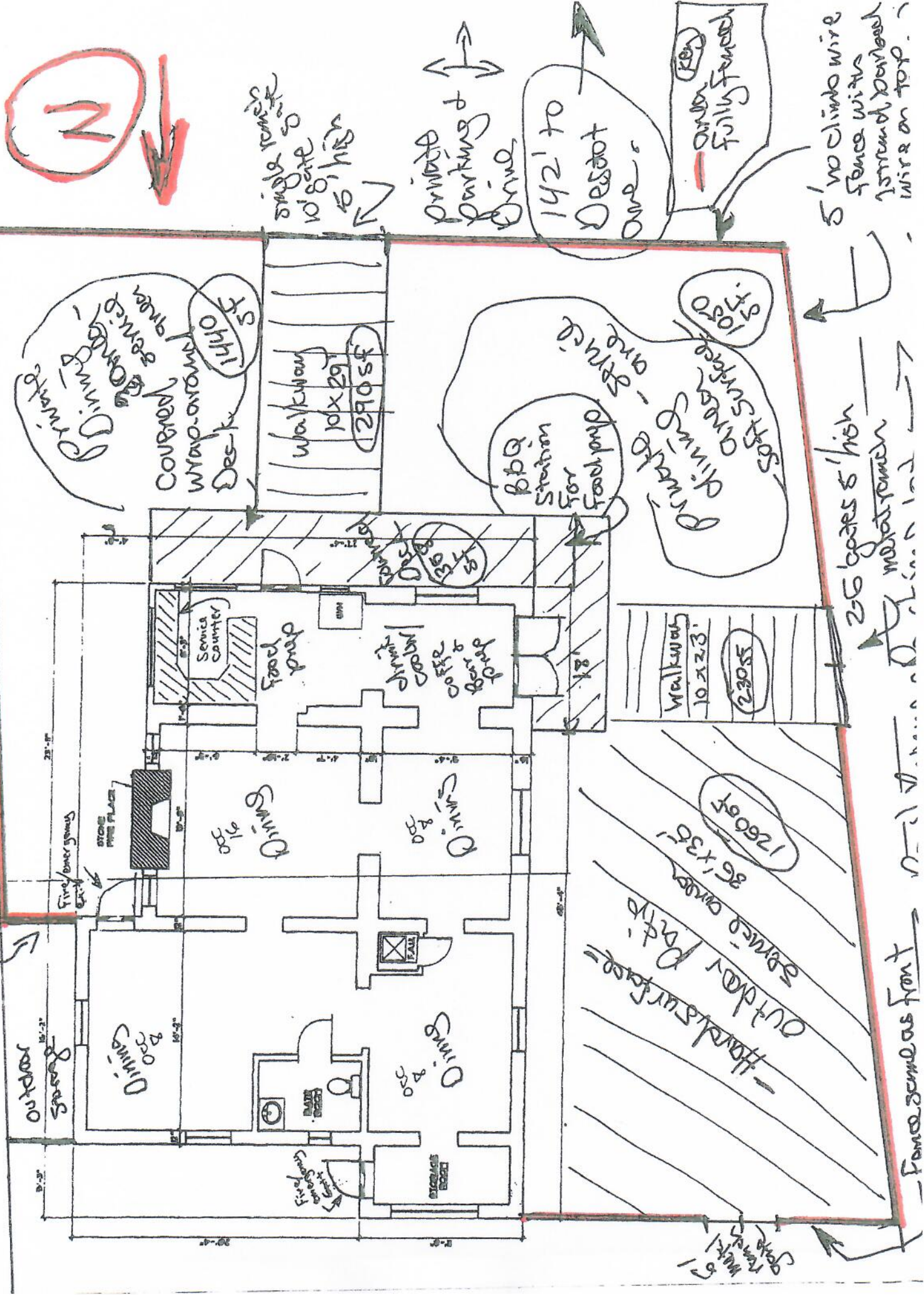
A.T. & S.F. RAILROAD  
RAIL RUNNER PARKING LOT

10' Rec. & Meas. BASIS OF BEARINGS





6' wood fence - wogge







## Floor Plan Notes-Rev. 1/23/08

- A. North is indicated by an "N" in the outdoor patio portion of the floor plan
- B. While the café address is 202 DeSoto Ave. it actually faces directly on the Rail Runner parking lot which is the point of principle access. DeSoto Ave is 142' from our property line and has no parking, so it isn't really an access point.
- C. Total square footage of the café is 900 sq ft; the outdoor hard surface patio and covered walkways are 1628 sq ft; railroad tie walkways account for 520 sq. feet and the soft surface private dining areas inside the fence are 2490 sq. feet, with a total service area inside the fenced property of +/- 5538 sq feet.
- D. The entire property is surrounded with a historic no climb railroad wire fence with a strand of barbed wire on top, with decorative string lighting attached to the barbed wire. The front two sides are 5' tall and have a 10 foot metal pipe gate facing DeSoto Ave and 2- 6' pipe gates facing the NM Rail Runner parking lot. On the back side of the property at the Belen Ditch, there is a 6' no climb fence with barbwire on top. On the Northeast side of the building there is a 6' wooden fence that enclosed our outdoor storage area. There is not access gate in this fence. On the Northwest end of the building there is a 5' no climb fence of the same design of the front two perimeter fences. There is a single 6' pipe gate in this fence. It is not an entry/exit gate from the property, it access the "games area" of our property. All fences are indicated in red on the drawing.

Food is prepared "BBQ Style" with grills on the covered deck.

There are several pictures of the Café and its location in the original application.

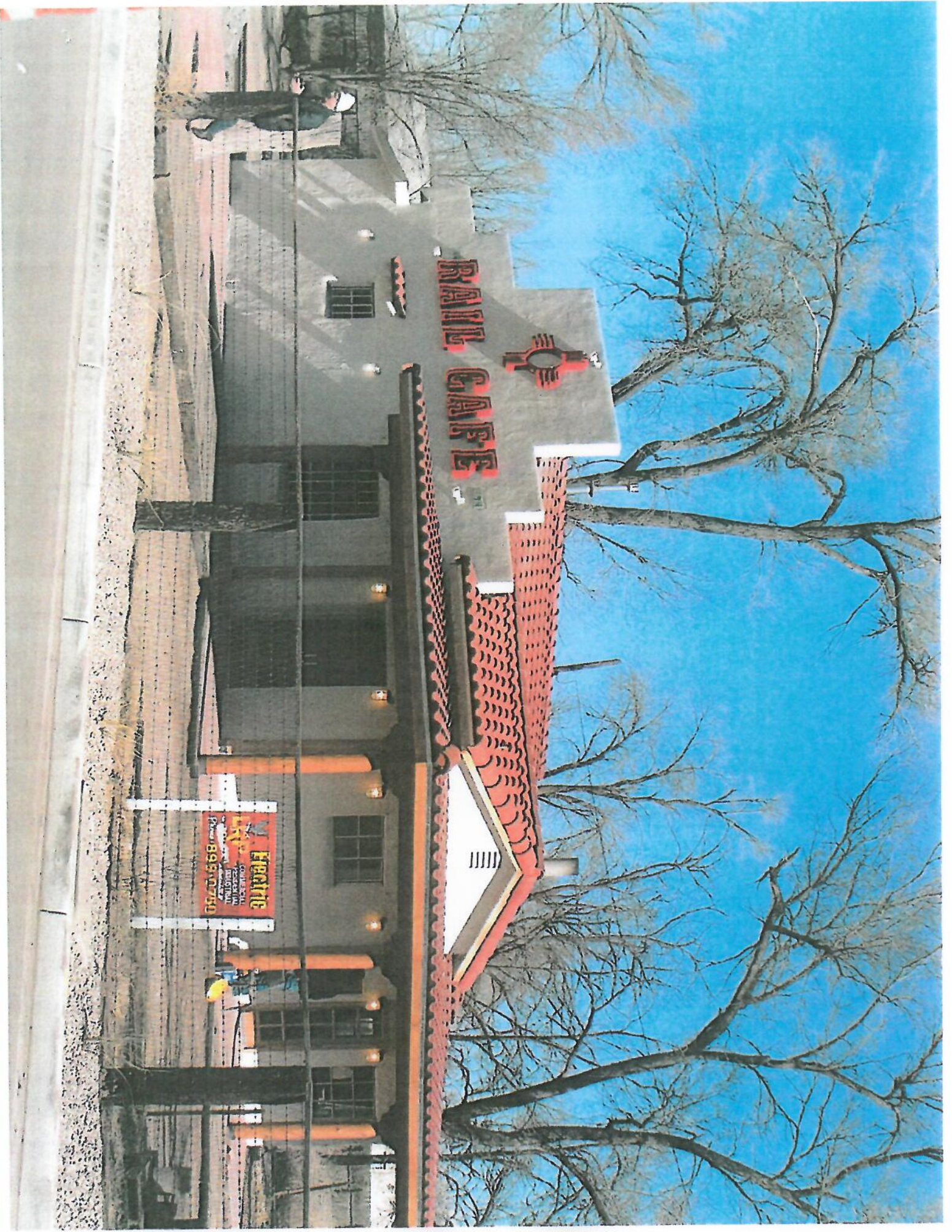
**Rail Runner Station**

**202 Desoto Ave. Belen, New Mexico**

**505-864-CAFÉ (2233)**

**e- mail to: railcafe@aol.com**







Cathy McCartney  
506 North 11<sup>th</sup> St.  
Belen, New Mexico 87002

June 2, 2016

CITY OF BELEN  
100 South Main Street  
Belen, NM 87002

ATTN: Lisa Miller – Planning and Zoning

REF: NOTICE OF PUBLIC HEARING – REQUEST TO CONTINUE A CONDITIONAL USE PERMIT:  
CATHY MCCARTNEY for the purpose of a private club that endorses wellness, fitness and  
nutrition at 1018 W Ross Ave., Belen, NM 87002

Dear Lisa:

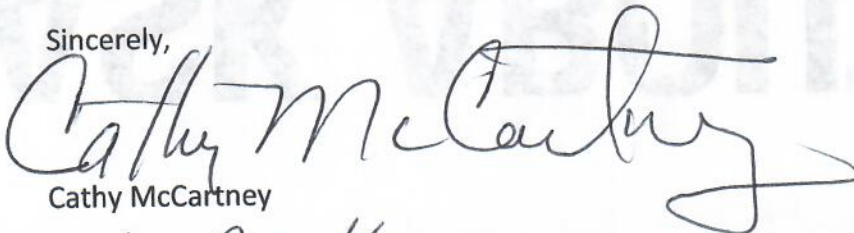
I received your notice in the mail today. The public hearing is scheduled for Monday, June 13, 2016 at 6:30 pm. I will be out of town that day and unable to attend. Please reschedule if I am required to be in attendance or please consider the following petition.

The club is starting off slowly and not too many people attending. Much planning and processes have been placed. I am confident that it will do well once we can dedicate more time to recruiting the members. Right now, it is about scheduling and gathering team members. All the neighbors have been contacted, including Anthony, next door. Some stop by and participate and others are curious. None have a problem with the club location. No problems have occurred and I do not foresee any in the future either. I wish to continue doing the business at this location on a permanent basis.

This Philosophy in this business is proving to be something that the community will appreciate in the long run. Health, Fitness & Wellness is for Everybody and for the Whole body. In particular, families, the little ones, seniors and those with Special Needs.

Please let me know what you and the Planning & Zoning Commission decide. Thank you, Lisa for taking time to help in this situation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cathy McCartney', with a stylized, flowing script.

Cathy McCartney

6-2-16



**CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221**

**NOTICE OF PUBLIC HEARING**

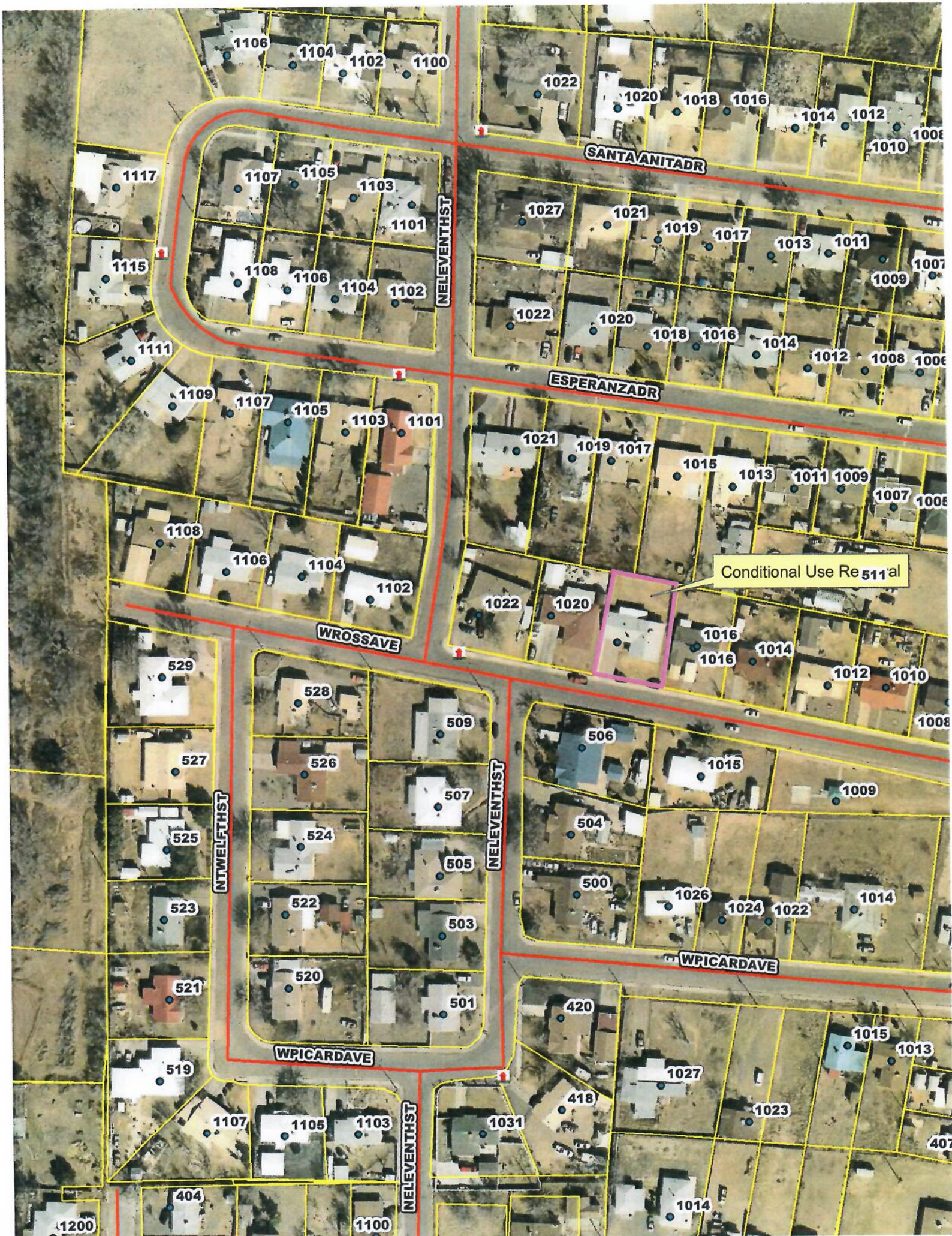
**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST TO CONTINUE A CONDITIONAL USE PERMIT: CATHY MCCARTNEY** for the purpose of a private club that endorses wellness, fitness and nutrition at 1018 W Ross Ave., Belen NM 87002

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Radcliff Addition, Lot 7, AKA 1018 W Ross Ave., Belen NM 87002.

You are further notified that this public hearing will be held on **Monday, June 13, 2016 at 6:30 pm** in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: May 26, 2016**







**JERAH R CORDOVA**  
MAYOR  
**JAY RUYBALID**  
CITY MANAGER



**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2730 • FAX (505) 864-8408  
[www.belen-nm.gov](http://www.belen-nm.gov)

**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
MAYOR PRO-TEM  
**DARLEEN ARAGON**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

November 13, 2015

Cathy McCartney  
506 N Eleventh St  
Belen NM 87002

RE: Conditional Use for 1018 W Ross Ave., Belen NM 87002

The requested Conditional Use for the property located at 1018 W Ross Ave., was approved with the following conditions:

1. All paperwork required for a business license.
2. It will be a six month Conditional Use to be revisited at that time, with the fees being waived.
3. All required inspections are done and approved.

You will also find a copy of the approved minutes of the meeting of October 12, 2015 attached. Please keep these for your records.

If you have any questions please do not hesitate to contact our office.

Sincerely,

Lisa R Miller  
Planning & Zoning Administrator

cc: File

**CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A CONDITIONAL USE PERMIT: CATHY MCCARTNEY** for the purpose of a private club that endorses wellness, fitness and nutrition at 1018 W Ross Ave., Belen NM 87002

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Radcliff Addition, Lot 7, AKA 1018 W Ross Ave., Belen NM 87002.

You are further notified that this public hearing will be held on **Monday, October 12, 2015 at 6:00 pm** in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: September 24, 2015**







CITY OF BELEN, NEW MEXICO  
APPLICATION FOR CONDITIONAL USE

REGULAR X

SIX MONTHS \_\_\_\_\_

NOTE: The following conditional uses are limited to six months duration, at the end of which time such use must be reviewed and a new permit granted in order for it to be continued:

- Amusement Parks, Carnival, Circus. Conditional use in any A-R, C-1 or M-C zone.
- Dwelling, Temporary Watchman or Caretaker. Conditional use in all zones.
- Offices, Temporary (Real Estate Sales, Etc. Conditional use in all zones.
- Flea Markets. Conditional use in C-1 and M-C zones only, subject to district regulations and any supplementary regulations or special condition imposed by the Planning & Zoning Commission.

Applicants Name: Cathy Mc Carthy Phone: 505-720-1931  
Address: 506 North 11th St., Belen, NM 87002  
Authorized Agents Name: Cathy Mc Carthy Phone: 505-720-1931  
Address: 506 North 11th St., Belen NM 87002

Address of Property: 1018 West Ross Ave., Belen NM 87002  
Block and Lot: Lot 7 Addition: Radcliff addition  
Tract Number: \_\_\_\_\_ Map: \_\_\_\_\_  
Total acreage in Tract: City lot - 75' x 100'  
Number of Dwellings: 1 Density/Acre: \_\_\_\_\_  
Zoning of Property: Residential Present Use: Home Residence

**APPLICATION REQUIREMENTS**

The following material must be provided by applicant.

- Filing fee payment of \$150.00
- Letter of transmittal, state nature of request, include name of applicant and address where conditional use is requested. - Support from Neighbors + parking plan
- Affidavit of ownership
- Scaled drawing of property indicating location of structures, on-site parking and points of access to public streets

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

NOTE: Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Conditional Use. I have examined and am familiar with the zoning regulations of the present zone and the requested Conditional Use. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Cathy Mc Carthy  
Signature of Applicant

9-8-2015  
Date

**THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION**

Planning and Zoning Commission Meeting Date: 10-12-15 Approved/Disapproved: \_\_\_\_\_  
FEE PAID: \$150.00 RECEIPT NO.: 2196886 DATE: 9-9-15



OWNERS AFFIDAVIT

STATE OF NEW MEXICO )  
COUNTY OF VALENCIA ) SS  
CITY OF BELEN )

We Cathy McCartney ; Greg Sachs  
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at  
1018 West Ross Ave., Belen, NM 87002, for which (I am) (we are)  
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal)

\_\_\_\_\_ through the City of Belen. Furthermore, (I) (we) hereby appoint

\_\_\_\_\_ of \_\_\_\_\_ as our agent to act in our

behalf on all matters pertaining to the processing of this application.

Cathy McCartney Greg Sachs  
Signed

506 North 11th St.,  
Address

Belen, NM 87002

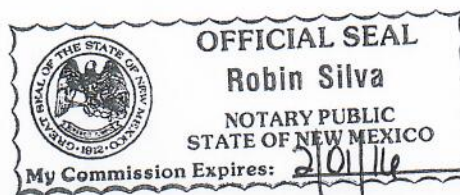
505-720-1931  
Phone

Subscribed and sworn to before me this 4th day of August, 20 15.

Robin Silva  
Notary

My Commission Expires:

2/01/16



# CATHY MCCARTNEY

506 North 11th St.

Belen, NM 87002

Tele: 505-720-1931

Email: cmccart9@msn.com

**August 5, 2015**

Planning and Zoning Commission  
City of Belen  
100 South Main St,  
Belen, NM 87002

Subject: Letter of Transmittal – Request for Conditional Use

Reference: 1018 West Ross Ave., Belen, NM 87002

Dear Planning and Zoning Commission:

This Letter of Transmittal is for the purpose of requesting a Conditional Use permit to Cathy McCartney at 1018 West Ross Ave., Belen, NM 87002.

The conditional use would be to allow this applicant to start a Private Club that endorses wellness, fitness and nutrition. It would be a private community club that seeks individuals who want to learn about Optimum Health Choice Alternatives. The members would also be attending private wellness, nutrition and fitness classes as a member benefit. The private fitness classes would include but not limited to classes in Yoga, Dance Fitness and promote Silver Sneaker participation. These private fitness classes will be taught by instructors who are currently licensed, certified and maintain a CPR/AMD classification. Resident and city park street parking would facilitate private members parking.

Attached is a list of neighbors who have been notified and support the private club initiative. Also, attached is a scaled drawing of property indicating location of structures, on-site parking and points of access to public streets.

Sincerely,



**Cathy McCartney**



CONDITIONAL USE -  
1018 WEST ROSS, AVE., BELEN, NM 87002

The following Neighbors have been notified about the above CONDITIONAL USE request. They are in approval and have no reservations concerning this conditional use permit.

Name of Neighbor

Address

Cameron Davis	1014 - W. Ave
Francisco Carrillo	1012 W Ross
Ernestine Chavez	1008 W. Ross
Roberto B. Dushy	1006 W Ross
Roberto Nunez	1020 W. Ross
<del>Roberto</del>	1016 W. Ross
Nathaniel Niles	509 North 11th st
James On	1022 W Ross Ave
Bruce Burton	1010 W Ross
Ben Harding	1006 Ross Ave

# THE RADCLIFFE ADDITION

BELEN, VALENCIA COUNTY, NEW MEXICO

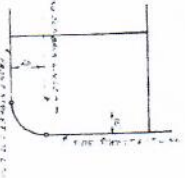
## DESCRIPTION OF PROPERTY

BEING, AND THE AT THE CORNER OF THE SECTIONS 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

## TYPICAL UTILITY AND ANCHOR EASEMENT



## BUILDING SET-BACK LINES



## CITY CLERK

THE CITY CLERK'S OFFICE HAS REVIEWED THIS CERTIFICATE AND APPROVED THE SAME FOR THE CITY OF BELEN, NEW MEXICO, AND THE CITY ENGINEER HAS REVIEWED THE SAME AND APPROVED THE SAME FOR THE CITY OF BELEN, NEW MEXICO.

*[Signature]*

THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS CERTIFICATE AND APPROVED THE SAME FOR THE CITY OF BELEN, NEW MEXICO.

*[Signature]*

Parking



T.S.N.M.S.N.

THE CITY CLERK'S OFFICE HAS REVIEWED THIS CERTIFICATE AND APPROVED THE SAME FOR THE CITY OF BELEN, NEW MEXICO, AND THE CITY ENGINEER HAS REVIEWED THE SAME AND APPROVED THE SAME FOR THE CITY OF BELEN, NEW MEXICO.

E



## DECLARATION OF OWNERSHIP AFFIDAVIT

I/we, Greg Sachs and Cathy McCartney, being first duly subscribed and sworn under oath, stat that I/we am are the owner(s) of real property commonly known as 1018 West Ross, Ave., Belen, New Mexico, which said property is located in Valencia County, New Mexico, more particularly described as

Lot 7, RADCLIFFE Addition, Map Reference MRGCD Map 100.

Assessor's Parcel # 1-006-028-523-960-0000000

Neighborhood Name: Belen Core

My/our ownership of this property is evidenced through documents filed with the Valencia Count Recorded and/or Valencia County Circuit Clerk. The said documents bear the following document and/or case numbers, give a description of my/our ownership and were filed on the following date(s):

<u>Document: Case No.</u>	<u>Title of Document</u>	<u>Date Filed/Recorded</u>
250256194	Warranty Deed	July 10, 2014

Dated this 9<sup>th</sup> day of September, 2015.

Cathy McCartney  
Owner's Signature - ~~GREG SACHS~~ Cathy McCartney

Greg Sachs  
Owner's Signature - Cathy McCartney

STATE OF NEW MEXICO ) SS:  
COUNTY OF Valencia )

Subscribed and sworn to before, a Notary Public, this 9 day of September,  
20 15.

Kevin Trujillo  
Notary Public

